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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,308	04/01/2004	Thomas Strothmann	12873/04787	7265
24024	7590	07/11/2006	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			NGUYEN, CUONG H	
800 SUPERIOR AVENUE			ART UNIT	
SUITE 1400			PAPER NUMBER	
CLEVELAND, OH 44114			3661	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,308	<b>Applicant(s)</b> STROTHMANN, THOMAS	
	<b>Examiner</b> CUONG H. NGUYEN	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Status of the Claims**

1. Claims 1-29 are pending in this application.
2. The current examiner respectfully withdraws the allowance subject matter of claim 4-7, 14-16, and 23-25 (given from a prior examiner) because there are several deficiencies.

### ***Restriction/Election***

3. After reviewing the pending claims, the current examiner respectfully submits that the election to one of the following inventions is deemed necessary. The delay of this requirement is regretted by the examiner of the record.

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Group I: claims 1-27 are drawn to system/method for determining an independent wheel-drive velocity (there are different velocities from other wheels when turning a vehicle), US classification 701/72.

II. Group II: claims 28-29 are drawn to a method/system for driving a vehicle (???) including determining a vehicle's velocity using different formulas, US classification 701/74 (even including a phrase of "and at least one wheel drive base dimension for at least one wheel drive" - there is no indication in these claims to require a different velocity of a different wheel of that vehicle - the dimension for all wheel drive bases may be similar; therefore, a vehicle's velocity can be interpreted as a wheel's velocity; please note that in claim 29, there is no steering/turning to determine a vehicle's velocity).

5. The inventions (group I and group II) are distinct by above definitions, each from the other because of the following reasons:

6. Inventions Group I, and Group II are related as for its practice of determining a velocity of a specific wheel of a vehicle, and a velocity of a vehicle when steering; in each

occasion a different way of calculation is used for “an independent velocity” and for vehicle’s velocity.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Note: For a reasonable interpretation of the pending claims; the following should be corrected:

- In claim 1: “a multi-wheel drive vehicle” – if a vehicle has more than one wheel, that meets the claimed environment (pending claim is an open-ended claim with more than one-wheel vehicle).
- “an independent velocity for a wheel” is merely a wheel’s velocity.
- For claims 1, 10, and 19: A limitation having “an independent velocity” is different from a limitation with “the independent determined velocity” – that needs to be corrected in those claims.
- In claim 4, line 3 “the tangent of an angle” is lacking an antecedent basis.
- Claim 10 is not conformed to the requirement of a claim – it is directed to a system; however, it cites: “...comprising the steps of”:
- Claims 28, and 29 lack essential elements: at least besides what claimed, a source of energy must be used to drive a vehicle (as asserted from claim 28: “A method of driving a multiple wheel drive vehicle comprising the steps of;”, and claim 29 “A system for driving a multi-wheel

drive vehicle comprising”; since a vehicle’s velocity is automatically calculated, there is no relation between claiming “a method of driving a ... vehicle.” with what claim in the bodies.

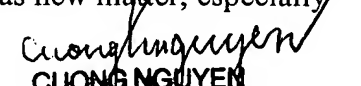
- Claim 28 has an unclear limitation; part c) says “outputting the determined velocity to the at least one wheel drive” – what does it means when outputting a signal (velocity) to “one wheel drive”? To make it clear, that should be “...one wheel driver unit.”

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG NGUYEN  
PRIMARY EXAMINER